IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 36007 of 2004(J)

PETITIONER:

IMBICHI PATHUMMABI,
MANAGING TRUSTEE,
PUTHIYA MALIYAKKAL MAMMUHAJI WAKF
COURT ROAD, KOZHIKODE.

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENTS:

1. KERALA WAKF BOARD,
REGIONAL OFFICE, REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER, PARAMARA ROAD, ERNAKULAM.

2. THE CHIEF EXECUTIVE OFFICER,
KERALA WAKF BOARD, PARAMARA ROAD, ERNAKULAM-32.

3. THE CHIEF EXECUTIVE OFFICER,
KERALA WAKF BOARD, REGIONAL OFFICE,
KERALA WAKF BOARD, CONVENT ROAD, KOZHIKODE.

***4. HAJARABI, AGED 50 YRS, W/O. I.P. KOYAMOIDEEN,**
FERRAH, ARTS COLLEGE P.O., CALICUT.

5. RAZIYA, AGED 40,
W/O. BASHEER, FERNIS NEST,
KARIKKAMKULAM, CALICUT.

6. K.M. ABDUL AZIZ, AGED 55 YRS,
S/O. ALIKOYA, SAMJID, BEHIND
SAKTHI AUTOMOBILES, MEENCHANTHA,
CALICUT.

7. K.M. MAMMOO, AGED 70 YRS,
S/O. HASSANKOYA HAJI,
K.V. HOUSE, KALLAI P.O.,
KOZHIKODE.

***ADDL. R4 TO R7 ARE IMPLEADED AS PER ORDER DATED 26/11/2007 IN IA NO. 180/2005.**

BY ADVS. SRI.BABU KARUKAPADATH FOR ADDL. RESPONDENTS.
SRI.JYOTHISH.J.KALLINGAL
SRI.P.A.ABDUL JABBAR, SC, WAKF BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 36007/2004 J

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER ISSUED BY THE BOARD DT. 8/2/00.

EXT.P2. COPY OF THE ORDER DT. 17/08/00 OF THE BOARD.

EXT.P3. COPY OF THE ORDER OF THE BOARD DT. 23/09/00 APPOINTING THE PETITIONER AS MANAGING TRUSTEE.

EXT.P4. COPY OF THE NOTICE ISSUED BY THE WAKF BOARD DT. 11/09/2003.

EXT.P5. COPY OF THE REPLY DT. 13/10/2003.

EXT.P6. COPY OF THE ORDER BY THE BOARD DT. 2/07/2004.

EXT.P7. COPY OF THE LETTER ISSUED BY THE PETITIONER TO R2 DT. 7/8/2004.

EXT.P8. COPY OF THE REPRESENTATION OF BENEFICIARIES TO THE WAKF BOARD DATED 25/10/2003.

EXT.P9. COPY OF THE LETTER DT. 26/7/2004 BY THE R2 TO THE PETITIONER.

EXT.P10. COPY OF THE NOTICE DT. 26/8/2004 BY THE R2 TO THE TENANTS.

RESPONDENT'S EXHIBITS **NIL.**

True copy

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KURIAN JOSEPH J.

Writ Petition (Civil) No.36007 of 2004

Dated 26th November, 2007.

J U D G M E N T

Petitioner approached this court apprehending interference with the affairs of the Wakf represented by the petitioner. Additional respondents 4 to 7 submits that they are also the trustees and behind their back only, the writ petition is filed. In the nature of the prayer in the writ petition, no injunction as such can be granted against the first respondent from exercising its statutory powers. In the above circumstances, the writ petition is disposed of making it clear that in case any action under the Wakf Act is to be taken either by the first respondent or by the second respondent, petitioner as well as respondents 4 to 7 shall be issued notice.

KURIAN JOSEPH, JUDGE.

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